

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)	
Plaintiff,)	
)	
v.)	CASE NO. 5:04CR47
)	
EDWIN WAYNE WIKE,)	
Defendant.)	
_____)	
PETITION OF PENNY THOMPSON)	
_____)	

THIS MATTER IS BEFORE THE COURT on the government’s “Notice Regarding Investigation and Motion for Leave to Conduct Discovery” (Document No. 72) filed August 21, 2006.

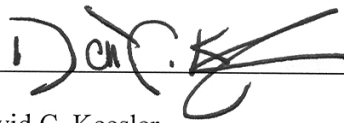
On March 30, 2006, the Court entered a “Consent Order and Judgment of Forfeiture” (Document No. 66) identifying currency and firearms forfeited to the United States with the Defendant’s consent. Penny Thompson (*pro se*) filed a petition (Document No. 70) on July 17, 2006, seeking the return of seven firearms subject to the forfeiture judgment and an additional four firearms allegedly seized from the Defendant but not covered by the forfeiture judgment. Ms. Thompson attached two Bills of Sale to her petition in support of her claim that she owns the property seized.

The government questions the genuineness of the Bills of Sale, and seeks to conduct civil discovery pursuant to Fed. R. Crim P. 32.2(c)(1)(B) to determine whether Ms. Thompson has a legitimate ownership interest in the firearms. The Court has reviewed the Bills of Sale and finds that discovery is necessary to determine Ms. Thompson’s ownership interest in the firearms set forth in her petition. Therefore, pursuant to Fed. R. Crim. P. 32.2(c)(1)(B), the Court will grant the

government's motion and allow discovery to commence, including but not limited to the taking of Ms. Thompson's deposition.

IT IS, THEREFORE, ORDERED, that the "Notice Regarding Investigation and Motion for Leave to Conduct Discovery" (Document No. 72) filed by the United States on August 21, 2006, is hereby **GRANTED**.

Signed: August 30, 2006



David C. Keesler
United States Magistrate Judge

